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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,078	03/31/2004	Patrick Hallinan	066949-0001	4644

7590 09/07/2006
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EXAMINER

PETRAVICK, MEREDITH C

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,078

Applicant(s)

HALLINAN ET AL.

Examiner

Meredith C. Petravick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7,9-13,16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,9,10,16,18 and 19 is/are allowed.
- 6) ☒ Claim(s) 1-3,5,11-13 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 is missing a verb. The missing verb causes the claim to be indefinite. For the purpose of examination on the merits, it is assumed the claim should state, "wherein said bracket permits the predetermined deflection of the guide wheel to thus enable a user to operate the vehicle at a full speed in the vicinity of the stationary objects."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 11-13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philips 5,303,532, cited by Applicant, in view of Reents 5,966,914.

Philips discloses a trimming system on a mowing vehicle including a drive means (38) and a trimming unit (22). The trimming system also includes a guide wheel (any roller 120) mounted on the vehicle frame (including 196) via the assembly shown in Fig. 3. The guide

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wheel is mounted on a resiliently biased bracket (assembly shown in Fig. 13) by a spring (234). The resiliently biased bracket (assembly shown in Fig. 13) can only move a limited predetermine distance. A cable (250) limits the movement.

However, Philips discloses that the drive means is attached to the trimmer and independent of the drive system of the vehicle and not coupled to it as claimed. Philips does suggest that other trimmers could be used, including trimmers with motors attached to the vehicle (Col. 3, lines 4-20).

Like Philips, Reents discloses a trimming system on a mowing vehicle. Unlike Philips Reents teaches that an alternative to driving the trimmer with a separate motor (embodiment of Figs. 3-4) a pulley system (Fig. 2) can be used drive the trimmer.

Given the suggestion in Philips, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the independent motor in Philips with a vehicle driven pulley system as taught in Reents as being an alternative to a separate motor.

Regarding claims 3, 11 and 12, Reents discloses that the trimmer can be selectively and simultaneously driven with the mower via control (32).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Philips in view of Reents as applied to claim 1 above, and further in view of Birnbaum et al. 3,923,316.

The combination discloses the invention described above and further suggests making the wheels (Philips 102) roller skate wheels. The combination does not disclose making the wheels from nylon.

As suggested in Philips, Birnbaum discloses a roller skate wheel and teaches that roller skate wheels are made from nylon (Col. 2, lines 28-33).

Given the teaching in Philips, it would have been obvious to one of ordinary skill in the art to use a wheel made from nylon as in Birnbaum.

Allowable Subject Matter

6. Claims 7, 9-10, 16 and 18-19 are allowed.

Response to Arguments

7. Applicant's arguments filed 4/24/2006 have been fully considered but they are not persuasive.

In response to Applicant's amendments, the Philips reference has been construed differently to meet the new claim limitations as detailed above. Now the bracket is considered to be entire assembly shown in Fig. 13 and not merely hoop 98. The bracket is biased by spring 234 as shown in Fig. 13.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C. Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ms. Petravick', with a stylized flourish at the end.

Meredith C Petravick
Primary Examiner
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September 4, 2006